

Application No.: 09/986,975

REMARKS

Claims 21 and 22 are objected to because the reference numerals are not enclosed within parentheses (e.g., washing tank 1h in claim 21 and protective projection 41 in claim 22). It is respectfully submitted that the enclosed amendment obviates this objection. Accordingly, it is respectfully requested that the objection be withdrawn.

The Examiner makes a general rejection under 35 U.S.C. § 112, first paragraph without rejecting any specific claims. The Examiner identifies claims 2, 3 and 19 as examples of alleged unclear language used in the application, in that the phrase "at a state" is allegedly not clear as to whether this has structural meaning or is directed to intended use. Although it is believed the Examiner's rejection is unwarranted, it is respectfully submitted that the enclosed amendment renders this rejection moot. Accordingly, it is respectfully requested that the rejection under 35 U.S.C. § 112, first paragraph be withdrawn.

Claims 4 and 8 stand rejected under 35 U.S.C. § 112, second paragraph. Although it is again believed the Examiner's rejection is unwarranted, it is respectfully submitted that the enclosed amendment renders this rejection moot. Accordingly, it is respectfully requested that the rejection under 35 U.S.C. § 112, second paragraph be withdrawn.

Claims 1 and 2 are independent and stand rejected as follows: Claim 1 stands rejected under 35 U.S.C. § 102 as being anticipated by Lightbourne (GB '909, hereinafter "Lightbourne"), Misenhimer et al. '541 ("Misenhimer") and Wulf et al. '821 ("Wulf"); and claim

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2 stands rejected under 35 U.S.C. § 102 as being anticipated by Lightbourne and Wulf. These rejections are respectfully traversed for the following reasons.

In order to further clarify the differences between the present invention and cited prior art, independent claims 1 and 2 have been amended to further structurally distinguish over the devices of the cited prior art. For example, claim 1 recites in pertinent part, "a driving side base (7) having a rotary drive unit (8) *and a speed reducer* ... [and] a connection structure for *detachably* coupling the driving side base and the washing tank, *wherein the speed reducer is installed in the driving side base and is also disposed between the rotary drive unit in the driving side base and a rotatable transfer joint connected to the rotary drive unit.*" Claim 2 recites in pertinent part, "wherein the washing tank is *detachably* mounted on top of the driving side base and also separated from top of the driving side base; and when the washing tank is mounted on top of the driving side base, the first transfer joint and the second transfer joint come to engage each other *such that the stirring blade rotates when the rotary drive unit is operated.*"

None of Lightbourne, Misenhimer, nor Wulf, alone or in combination, disclose or suggest such a combination of features. Lightbourne does not disclose a detachably mounted washing tank, but rather, it appears the alleged washing tank is fixedly coupled to the alleged driving side base; and Misenhimer is silent as to the recited joint interconnections and instead discloses only a rubber friction ring 15.

With respect to Wulf, as a preliminary matter, it is respectfully submitted that Wulf, similarly to Lightbourne and Misenhimer, does not disclose the recited joint interconnections. Further, the Examiner has broadly interpreted the claimed "washing apparatus" as inclusive of a food blender. The Examiner supports this position by

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arguing that the term "washing" is considered intended use and given little patentable weight in the claimed structure (*see* bottom of page 6 of the outstanding Office Action). However, it is respectfully submitted that the Examiner's interpretation is improper because a preamble must be given patentable weight when defining the particular field of the product being claimed regardless of the structural features specified in the body of the claim, especially if one of ordinary skill in the art would recognize the field of the invention. In the instant case, it is respectfully submitted that a "washing apparatus" clearly represents a field of invention that is distinct from food processors such as the blender disclosed in Wulf.

As described throughout Applicants' specification, one of the objects of the present invention is directed to providing a washing apparatus that is easy to handle with improved before-and-after washing operation ability. Such results can be realized by providing a washing tank and driving side body that can be separated from each other and also can be attached to each other (*see, e.g.,* page 11, lines 1-4 of Applicants' specification). According to the present invention, appropriate speeds of the rotary drive unit can be reliably transmitted to the transfer joint so that the intended washing effect can efficiently be obtained. Further, the present invention can make it possible to transmit appropriate rotating speeds without increasing the load of the washing tank (*see, e.g.,* page 31, line 21 – page 32, line 1 of Applicants' specification) while at the same time can contribute to the prevention of user injury from fingers/hands touching the rotating parts (*see, e.g.,* page 45, lines 12-15 of Applicants' specification). The cited prior art is silent as to these effects, let alone suggest the necessary combination to realize such effects. The claimed combinations recited in claims 1 and 2 are therefore submitted to be patentable over the cited prior art.

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As anticipation under 35 U.S.C. § 102 requires that each and every element of the claim be disclosed, either expressly or inherently (noting that "inherency may not be established by probabilities or possibilities", *Scaltech Inc. v. Retec/Tetra*, 178 F.3d 1378 (Fed. Cir. 1999)), in a single prior art reference, *Akzo N.V. v. U.S. Int'l Trade Commission*, 808 F.2d 1471 (Fed. Cir. 1986), based on the forgoing, it is submitted that the cited prior art does not anticipate claims 1 and 2, nor any claim dependent thereon. The Examiner is directed to MPEP § 2143.03 under the section entitled "All Claim Limitations Must Be Taught or Suggested", which sets forth the applicable standard:

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. (citing *In re Royka*, 180 USPQ 580 (CCPA 1974)).

In the instant case, the pending rejection does not "establish *prima facie* obviousness of [the] claimed invention" as recited in claim 7 because the proposed combination fails the "all the claim limitations" standard required under § 103.

Under Federal Circuit guidelines, a dependent claim is nonobvious if the independent claim upon which it depends is allowable because all the limitations of the independent claim are contained in the dependent claims, *Hartness International Inc. v. Simplimatic Engineering Co.*, 819 F.2d at 1100, 1108 (Fed. Cir. 1987). Accordingly, as claims 1 and 2 are patentable for the reasons set forth above, it is respectfully submitted that all claims dependent thereon are also patentable. In addition, it is respectfully submitted that the dependent claims are patentable based on their own merits by adding novel and non-obvious features to the combination.

Based on the foregoing, it is respectfully submitted that all pending claims are patentable over the cited prior art. Accordingly, it is respectfully requested that the rejections under 35 U.S.C. § 102 and 103 be withdrawn.

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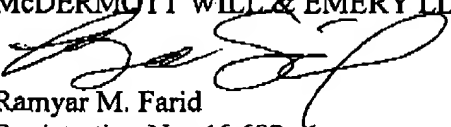
CONCLUSION

Having fully responded to all matters raised in the Office Action, Applicants submit that all claims are in condition for allowance, an indication for which is respectfully solicited. If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, the Examiner is requested to call Applicants' attorney at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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